

**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
REUBEN B. JACOBSON, SB# 167972

E-Mail: Reuben.Jacobson@lewisbrisbois.com  
333 Bush Street, Suite 1100  
San Francisco, California 94104  
Telephone: 415.438.6612  
Facsimile: 415.434.0882

**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
JEFFREY S. RANEN, SB# 224285

E-Mail: Jeffrey.Ranen@lewisbrisbois.com  
KATHERINE DEN BLEYKER, SB# 257187  
E-Mail: Katherine.DenBleyker@lewisbrisbois.com  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
Telephone: 213.250.1800  
Facsimile: 213.250.7900

Attorneys for Defendant, ATRIA SENIOR  
LIVING, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

THOMAS CARNES, by and through  
his Guardian ad Litem, Juliana  
Christine Clegg, on his own behalf and  
on behalf of others similarly situated,

Plaintiff,

vs.

ATRIA SENIOR LIVING, INC., and  
DOES 1 through 100,

Defendants.

CASE NO. 3:14-cv-02727-VC

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TO CONTINUE CASE**  
**MANAGEMENT CONFERENCE**

AS MODIFIED

Old Date: January 20, 2015  
Proposed  
New Date: February 19, 2015  
Time: 10:00 a.m.  
Place: Courtroom 4-17<sup>th</sup> Floor

Judge: Hon. Vince Chhabria  
Trial Date: None Set

Pursuant to Local Rule 6-1(a), the parties hereby provide notice of their  
stipulation to continue the Case Management Conference currently set for January  
20, 2015.

1       **WHEREAS**, Plaintiff filed his Class Action Complaint in this matter on June  
2 12, 2014;

3       **WHEREAS**, Plaintiff filed his First Amended Class Action Complaint in this  
4 matter on August 7, 2014;

5       **WHEREAS**, Defendant timely filed its Motion to Dismiss Plaintiff's First  
6 Amended Class Action Complaint in this matter on September 11, 2014;

7       **WHEREAS**, a hearing was held on Defendant's Motion to Dismiss  
8 Plaintiff's First Amended Class Action Complaint on November 6, 2014. The Court  
9 granted Defendant's Motion to Dismiss, giving Plaintiff leave to amend;

10       **WHEREAS**, on November 10, 2014, the parties stipulated to continue the  
11 deadline for Plaintiff to file his Second Amended Complaint ("SAC") and the  
12 deadline for Defendant to respond to the SAC. On November 12, 2014, the Court  
13 granted the parties' stipulation, giving Plaintiff until December 11, 2014 to file his  
14 SAC, and giving Defendant until January 15, 2015 to file its response to the SAC;

15       **WHEREAS**, on December 5, 2014, the Court granted the parties stipulation  
16 to reset the Case Management Conference to January 20, 2015;

17       **WHEREAS**, on December 11, 2014, Plaintiff filed his SAC;

18       **WHEREAS**, Defendant anticipates filing a Motion to Dismiss the SAC, set  
19 to be heard on February 19, 2015;

20       **WHEREAS**, given the pending Motion practice on the pleadings, the Parties,  
21 upon meeting and conferring, have agreed that pleadings issues should be resolved  
22 prior to the Case Management Conference. Accordingly, the Parties have agreed  
23 that good cause exists to continue the Case Management Conference from January  
24 20, 2015 to and including February 19, 2015 at 10:00 a.m. The Parties have further  
25 agreed that good cause exists to continue to the deadline to submit a Joint Case  
26 Management Conference Report to February 12, 2015.

27       ///

28       ///

4818-6001-5905.2

**NOW THEREFORE, THE PARTIES STIPULATE THAT:**

1. The Case Management Conference previously set for January 20, 2015 shall be continued to February 19, 2015 at 10:00 a.m.

2. The Parties shall file a Joint Case Management Conference Report on or before February 12, 2015.

**IT IS SO STIPULATED.**

DATED: January 6, 2015                      **LEWIS BRISBOIS BISGAARD & SMITH LLP**

By: /s/ Katherine Den Bleyker  
Jeffrey S. Ranen  
Reuben B. Jacobson  
Katherine Den Bleyker  
Attorneys for Defendant, ATRIA SENIOR  
LIVING, INC.

DATED: January 6, 2015                      **STEBNER & ASSOCIATES**

By: /s/ Kathryn A. Stebner  
Kathryn A. Stebner  
Attorneys for Plaintiffs and the proposed  
Class, THOMAS CARNES

**DECLARATION OF CONSENT**

I, Katherine Den Bleyker, hereby declare, pursuant to the Northern District of California Civil Local Rule 5-1(i)(3), that I have obtained concurrence in the filing of this document from Kathryn Stebner. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 6, 2015, in the City of Los Angeles, California.

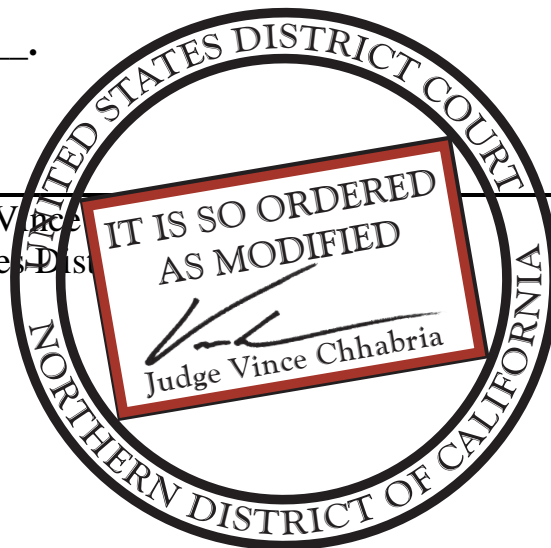
/s/ Katherine Den Bleyker  
Katherine Den Bleyker

**~~PROPOSED~~ ORDER** AS MODIFIED

**PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED. THE CASE MANAGEMENT CONFERENCE STATEMENT SHALL BE DUE ON** March 3, 2015. **THE CASE MANAGEMENT CONFERENCE SHALL BE HELD ON** March 10, 2015 **AT** 10:00 a.m..

**DATED:** January 8, 2015

Honorable Vince  
United States Dis



**FEDERAL COURT PROOF OF SERVICE**

CARNES v. ATRIA SENIOR LIVING - File No. 27185.95

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, CA 90012. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On January 6, 2015, I served the following document(s): **STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

<p>Kathryn A. Stebner, Esq.  <a href="mailto:Kathryn@stebnerassociates.com">Kathryn@stebnerassociates.com</a>  Sarah Colby, Esq.  <a href="mailto:Sarah@stebnerassociates.com">Sarah@stebnerassociates.com</a>  George Kawamoto, Esq.  <a href="mailto:George@stebnerassociates.com">George@stebnerassociates.com</a>  STEBNER &amp; ASSOCIATES  870 Market Street, Suite 1212  San Francisco, CA 94102  Attorney for Plaintiff and the proposed Class</p>	<p>Michael D. Thamer, Esq.  <a href="mailto:mthamer@trinityinstitute.com">mthamer@trinityinstitute.com</a>  LAW OFFICES OF MICHAEL D. THAMER  Old Callahan School House  12444 South Highway 3  Post Office Box 1568  Callahan, CA 96014-1568  Attorney for Plaintiff and the proposed Class</p>
<p>W. Timothy Needham, Esq.  <a href="mailto:tneedham@janssenlaw.com">tneedham@janssenlaw.com</a>  JANSSEN MALLOY LLP  730 Fifth Street  Eureka, CA 95501  Attorney for Plaintiff and the proposed Class</p>	<p>Robert S. Arns, Esq.  <a href="mailto:rsa@arnslaw.com">rsa@arnslaw.com</a>  THE ARNS LAW FIRM  515 Folsom Street, 3rd Floor  San Francisco, CA 94105  Attorney for Plaintiff and the proposed Class</p>
<p>Guy B. Wallace, Esq.  <a href="mailto:gwallace@schneiderwallace.com">gwallace@schneiderwallace.com</a>  Mark T. Johnson Esq.  <a href="mailto:mjohnson@schneiderwallace.com">mjohnson@schneiderwallace.com</a>  SCHNEIDER, WALLACE,  COTTRELL &amp; KONECKY LLP  180 Montgomery Street, Suite 2000  San Francisco, CA 94102  Attorney for Plaintiff and the proposed Class</p>	<p>Christopher J. Healey, Esq.  <a href="mailto:chealey@mckennalong.com">chealey@mckennalong.com</a>  Aaron T. Winn, Esq.  <a href="mailto:awinn@mckennalong.com">awinn@mckennalong.com</a>  McKENNA LONG &amp; ALDRIDGE, LLP  600 West Broadway, Suite 2600  San Diego, CA 92101-3372  Attorney for Plaintiff and the proposed Class</p>

1 The documents were served by the following means:

2 ☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically  
3 filed the documents with the Clerk of the Court using the CM/ECF system,  
which sent notification of that filing to the persons listed above.

4 I declare under penalty of perjury under the laws of the United States of  
5 America and the State of California that the foregoing is true and correct.

6 Executed on January 6, 2015, at Los Angeles, California.

7  
8 /s/ Melinda Timms  
Melinda Timms